

DICKINSON COUNTY PROBATE COURT
&
CIRCUIT COURT - FAMILY DIVISION

WAYNE J. FORMOLO
STEPHANIE DENNOGENZO
JUVENILE OFFICERS
PHONE 906-774-3373

JAMES M. SLEIK
INTENSIVE PROBATION



KAREN HEWETT
FAMILY COURT RECORDER
JUDY DALLAGUARDA
REGISTER

JUDGE THOMAS D. SLAGLE

Courthouse
P.O. Box 609
Iron Mountain, MI 49801
Phone (906) 774-1555 Fax (906) 774-1561

September 18, 2006

Members of the Michigan House Committee on Judiciary
State Capitol Building
P.O. Box 330036
Lansing, MI 48909

Re: Personal Protection Order/Student Body Protection Order

Dear Honorable Members of the House Committee on Judiciary:

Mr. William J. Revord of the Iron Mountain School Board recently asked me to write a letter in support of House Bill No. 6403 and other tie barred bills amending the statutes pertaining to personal protection orders. While I am uncertain as to the status of the currently proposed form of section 2976 or other potential proposed bills, I can certainly state my support for an act which would allow school administrators to seek injunctive relief on behalf of their students.

A few months ago I was assigned to review a petition for a personal protection order. The petition was signed by the district school superintendent and alleged that he was acting *in loco parentis* for the students within the district. The petition sought relief against an individual who had previously been convicted of acting in a lewd manner within the school zone, was now off probation, and was parking his car within the zone immediately around the school purportedly for the purpose of engaging in some lewd act.

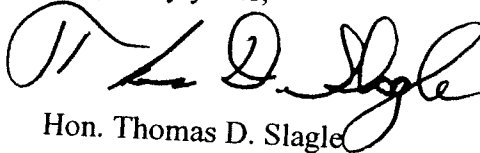
Being a relatively new judge, I was hesitant to interpret the law in such manner as to expand or modify the law by judicial edict. However, I was convinced that the protection sought was within the protection afforded to the class of individuals to be protected by the existing statutes. Therefore, I signed the personal protection order in favor of the students of the requesting school district and prohibited certain acts on behalf of the individual within a defined school zone. Mr. Revord, with others, has taken the lead in effort to amend the laws and eliminate any question as to whether or not school administrators can seek protection on behalf of the student body.

I believe that the potential for misuse or abuse of a personal protection or student body protection order by school administrators is minimal. The proposed language for section 2976 in the draft that I reviewed required that a governing body of the school approve the commencement of an action for a personal protection order. I would certainly question any requirement that would necessitate the convening of a school board or other body before an appointed administrator had the authority to seek a personal or student body protection order. It is the need, at least in part, to prevent immediate and irreparable harm that necessitates the issuance of many personal protection orders. Convening a school board or other body to give approval for a petition could certainly, in many circumstances, have dire effects.

While further discussion and input from those concerned will obviously be considered by the Committee, I would encourage the Committee to approve a form of legislation which allows protection of students within a defined school zone or while present on or in other recognizable school property. I believe that if individually identifiable students are in need of protection from certain individuals going to or from school, this is a matter more appropriately left to parents, guardians, and custodians.

I do not pretend to speak for any other members of the judiciary nor for any local government officials. I am simply acting upon Mr. Revord's request that I provide some input for the Committee's use. From the perspective of this Probate and Family Court Judge, I believe it is necessary to provide school administrators with the tools to protect their student bodies from any individuals who would seek to prey upon or victimize our children.

Very truly yours,

A handwritten signature in black ink, appearing to read "Thomas D. Slagle", written over a horizontal line.

Hon. Thomas D. Slagle

TDS/jjd